

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

ASA SMITH-EL,

Petitioner,

vs.

WARDEN,

Respondent.

Case No. 20-cv-1319-DWD

MEMORANDUM & ORDER

DUGAN, District Judge:

On December 10, 2020, Petitioner Asa Smith filed a habeas corpus action under 28 U.S.C. § 2254 challenging his conviction in Cook County Case No. 17-CR-118130. His Petition asks this Court to dismiss the judgment entered against him and grant his immediate release. (Doc. 1). Smith was convicted in Cook County, Illinois, which is situated in the federal judicial district for the Northern District of Illinois. 28 U.S.C. § 93(a)(2). He is confined in this District at Shawnee Correctional Center located in Johnson County, Illinois. While both this Court and the Northern District of Illinois have jurisdiction over this action, this Court deems it appropriate to transfer the case to the Northern District of Illinois. See 28 U.S.C. § 2241(d).

Generally, a habeas corpus petition is most desirable in the district where the material events took place and where the records and witnesses are likely found. *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493-94 (1973). Section 1404(a) authorizes the Court to transfer this action to any other district where it might have been

brought, based on “the convenience of parties and witnesses” and “in the interest of justice.” 28 U.S.C. § 1404(a). This Court finds that the Northern District of Illinois is a more convenient forum for the hearing and determination of this habeas corpus action; particularly because potential witnesses and the records regarding his conviction are more likely to be located in that District.

Pursuant to 28 U.S.C. §§ 2241(d) and 1404(a), and on the Court’s own motion, it is **ORDERED** that this action is **TRANSFERRED** to the United States District Court for the Northern District of Illinois for such further proceedings as that Court may deem appropriate.

SO ORDERED.

Dated: January 29, 2021.

The image shows a handwritten signature, "David W. Dugan", in black ink. The signature is written over a circular official seal. The seal features an eagle with spread wings in the center, surrounded by the words "UNITED STATES DISTRICT COURT" at the top and "SOUTHERN DISTRICT OF ILLINOIS" at the bottom.

DAVID W. DUGAN
United States District Judge